

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RALPH F. GREENE and PATRICK C. MALONE

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Application No. 08/425,766

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On January 14, 2005, a Supplemental Examiner's Answer was mailed in response to a Remand to the Examiner mailed on July 31, 2003. A review of the Examiner's Answer reveals that there is insufficient evidence that an appeals conference was conducted by the examiner. The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, 2004) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

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This examiner's answer does not conform to the MPEP guideline noted above. The answer is signed by the Primary Examiner, but neither of the two conferees has signed/initialed besides his typed name.

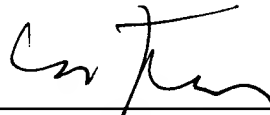
Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a corrected examiner's answer complying with the conferee requirements noted above,
- (b) for the Examiner to mail a copy of the corrected answer to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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